

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH DAVIS,

Plaintiff,

v.

CIVIL CASE NO. 05-71503
HON. MARIANNE O. BATTANI

MICHIGAN DEPARTMENT OF
CORRECTIONS, BUREAU OF HEALTH CARE
SERVICES, CINDI
MURPHY, R.N., M.S.P., DR. AUSTIN,
DR. ANTONINI, and SONYA GREENE, R.N.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court having reviewed the Magistrate Judge's Report and Recommendation, filed on February 9, 2006, and no objections having been filed thereto,

IT IS SO ORDERED that the Report and Recommendation is **ADOPTED** and that defendants Dr. Antonini and Dr. Austin's motions to dismiss (Doc. ##15 and 20), are **GRANTED** and Plaintiff's claims against these defendants are **DISMISSED** without prejudice based on Plaintiff's failure to exhaust his administrative remedies. **IT IS FURTHER ORDERED** that the motions to dismiss filed by the defendants Michigan Department of Corrections, Bureau of Health Care Services, Sonya Greene, and Cindi Murphy (Doc. ##25 and

30), are **GRANTED**, and that Plaintiff's claims against those defendants are **DISMISSED** with prejudice based on Plaintiff's failure to state a claim upon which relief may be granted.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: March 9, 2006

CERTIFICATE OF SERVICE

A Copy of this Order was served upon Joseph Davis and Christine M. Campbell on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
DEPUTY CLERK